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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Merck & Co., Inc.

Serial No. 10/566,822

Filed: January 31, 2006

For: METHOD OF EVALUATING COMPUND EFFICACIOUS  
IN TREATING OBESITYBY USING Slc25a10Art Unit: 1614Examiner: Not Yet AssignedCommissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Jamie P. [Signature] Date 3/22/07

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

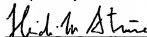
U. S. SERIAL NUMBER	RELATED APPLICATION	
	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Heidi M. Struse

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 50,288

MERCK & CO., INC.

Patent Dept., RY60-30

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Date: March 22, 2007

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet

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of

**1**

<b>Application Number</b>	10/566,822
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<b>Filing Date</b>	January 31, 2006
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<b>First Named Inventor</b>	Kotani et al.
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Group Art Unit	1614
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Examiner Name

Attorney Docket Number	BY0029Y
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Examine  
Initials\*

Cite  
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

/R.S./

1

Fiermonte, G., et al., "The sequence Bacterial Expression, and Functional Reconstitution of the Rat Mitochondrial Dicarboxylate Transporter Cloned via Distant Homologs in Yeast and *Caenorhabditis elegans*", *The Journal of Biological Chemistry*, Vol. 273, pp. 24754-24759 (1998)

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Fiermonte, G., et al., "Organization and Sequence of the Gene for the Human Mitochondrial Dicarboxylate carrier: Evolution of the Carrier", *Biochemical Journal*, Vol. 344, pp. 953-960 (1999)

3

Yi, X. X., et al., "Overexpression of the Human 2-Oxoglutarate Carrier Lowers Mitochondrial Membrane Potential in HEK-293 cells: Contrast with the Unique Cold-induced Mitochondrial Carrier CGI-69", *Biochemical Journal*, vol. 353, pp. 369-375 (2001)

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Elbashir, S. M., et al., "Duplexes of 21-Nucleotide RNAs Mediate RNA Interference in Cultured Mammalian Cells", *Nature*, Vol. 411, pp. 494-498 (2001)

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Harborth, J., et al., "Identification of Essential Genes in Cultured Mammalian Cells Using Small Interfering RNAs", *Journal of Cell Science*, Vol. 114, pp. 4557-4565 (2001)

2

Higuchi, H., et al., "Functional Inhibition of the p75 Receptor Using a Small Interfering RNA", *Biochemical and Biophysical Research Communications*, Vol. 301, pp. 804-809 (2003)

Examiner  
Signature

/Richard Schnizer/

Date Considered

08/19/2009

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**SEND TO:** Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form "IOS Form" (IOS Folder), Merck & Co., Inc., 8/24/2006